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5 Attorneys for Plaintiff  
 6 SPOTLIGHT SURGICAL, INC.

7  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

8 SPOTLIGHT SURGICAL, INC.,

9 Case No. C-07-03362 JF

10 Plaintiff,

11 v.

12 DEPUY, INC. and DEPUY SPINE, INC.,

13 Defendants.

14  
**STIPULATION (NINTH) AND**  
**[PROPOSED] ORDER TO CONTINUE**  
**CASE MANAGEMENT CONFERENCE**  
**AND RELATED DEADLINES**

15  
 16 Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and  
 17 DePuy Spine, Inc., on the other, hereby stipulate and agree, through their respective counsel,  
 18 as follows:

19 1. The Court's Order To Continue Case Management Conference And Related  
 20 Deadlines entered on June 17, 2008 sets forth the following deadlines:  
 21

22 **July 9, 2008**

Last day to:

- 23 • meet and confer re: initial disclosures, early settlement,  
 24 ADR process selection, and discovery plan; and
- 25 • file Joint ADR Certification with Stipulation to ADR  
 26 Process or Notice of Need for ADR Phone Conference.

July 23, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

August 15, 2008

Initial Case Management Conference (CMC) in Courtroom 3, 5<sup>th</sup> Floor, SJ at 10:30 a.m.

2. The parties have been engaged in settlement discussions to resolve this litigation, have reached a settlement in principle and have exchanged a draft settlement agreement, subject to the parties' entry into a mutually acceptable settlement agreement.

3. The parties wish to continue the Initial Case Management Conference and extend the deadlines for the parties to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan; file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement, all for approximately 60 days, in order to conserve the resources of the parties and the Court and to allow the parties time to finalize settlement.

4. There being good cause, the parties hereby stipulate and respectfully request that the Court issue an Order resetting the above deadlines as follows:

September 8, 2008

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

September 22, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

17  
October 14, 2008

# Initial Case Management Conference (CMC) in Courtroom 3, 5<sup>th</sup> Floor, SJ at 10:30 a.m.

Dated: July \_\_, 2008

HELLER EHRLMAN LLP

By SHAROLD J. MILSTEIN  
Harold J. Milstein

## Attorneys For Plaintiff SPOTLIGHT SURGICAL, INC.

Dated: July \_\_\_, 2008

MORGAN, LEWIS & BOCKIUS LLP

By \S\DIANE MASON  
Diane Mason

Attorneys for Defendants DEPUY, INC. and  
DEPUY SPINE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/2/08

The Honorable Jeremy Fogel  
United States District Judge